



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE September 2, 2005 EFFECTIVE DATE September 16, 2005	CONTACT/PHONE Stephanie Fuhs (805) 781-5721	APPLICANT William and Tiffany McInerney	FILE NO. DRC2004-00183
SUBJECT Hearing to consider a request by William and Tiffany McInerney for a Minor Use Permit to allow a 2,480 square foot addition to an existing 2,068 square foot residence. The proposal also includes a new 744 square foot garage and 910 square foot deck. The Minor Use Permit is required by Planning Area Standards for any development proposals within 50 feet of the top edge of the toe of slope bank of the Nipomo Mesa. The proposed project is within the Residential Suburban land use category and is located at 766 Hermosa Way, approximately four miles north of the community of Nipomo. The site is in the South County (Palo Mesa Village) planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2004-00183 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class Three Categorical Exemption was issued on July 12, 2005 (Class 3 – ED05-013).			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 075,171,006	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: 22.112.020 – Areawide Standards (Edge of the Nipomo Mesa) <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: 22.10.040 – Archeological Resources, 22.10.090 - Height Limitations, 22.10.140 -Setbacks <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on September 16, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Single family residence			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban/Residences <i>South:</i> Residential Suburban/Residences <i>East:</i> Residential Suburban/Residences <i>West:</i> Agriculture/Crops			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Ag Commissioner, City of Arroyo Grande			
TOPOGRAPHY: Level to steeply sloping		VEGETATION: Grasses, ornamental landscaping, pines	
PROPOSED SERVICES: Water supply: On-site (shared) well Sewage Disposal: Individual septic system Fire Protection: CDF		ACCEPTANCE DATE: July 12, 2005	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

DISCUSSION

PLANNING AREA STANDARDS:

22.112.020 – Areawide Standards (Edge of the Nipomo Mesa): Standards within this section include a drainage plan requirement, and criteria for zoning clearance/site plan review and criteria for Minor Use or Conditional Use Permit review. Because the proposed project is within 50 feet of the bluff edge, a Minor Use Permit is required. With regards to drainage, all slopes exceeding 100 feet will be removed. The remaining existing slopes naturally drain from the rear of the property to the front, away from the bluff edge. Prior to issuance of construction permits, the applicant will be required to submit a formal drainage plan to the Public Works Department to ensure compliance with the standards of this section of the Land Use Ordinance. The existing septic tank is located within 150 feet of the bluff edge. Any expansion or relocation of the septic system will need to comply with the 150-foot setback from the bluff edge or provide information that the system will not cause daylighting of effluent. With regards to visual issues, the proposed addition will match the existing residence. Along this section of the Nipomo mesa, there are numerous large, two-story residences that are highly visible from Highway One and other public vantage points. The residential addition will not significantly alter the visual backdrop that currently exists.

LAND USE ORDINANCE STANDARDS:

22.10.040 – Archeological Resources: In the event archeological resources are encountered during construction, standards of this section apply. Conditions have been added in accordance with these standards.

22.10.090 - Height Limitations: The height limit is 35 feet. As proposed, the project meets this standard.

22.10.140 - Setbacks: Standards include a front setback of 25 feet, side and rear setbacks of 30 feet (with the additional Planning Area standard for the 50-foot setback from the bluff edge as discussed above). The existing residence and proposed addition show setbacks less than 30 feet. Adjustments to this standard are allowable as set forth in Section 22.54.020F of the Land Use Ordinance and will require approval by CDF prior to issuance of construction permits. Conditions have been added accordingly.

AGENCY REVIEW:

Public Works – No concerns

Ag Commissioner – No comments received

City of Arroyo Grande – Responded with “No comment”

LEGAL LOT STATUS:

The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Stephanie Fuhs
and reviewed by Kami Griffin, Supervising Planner

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class Three) pursuant to CEQA Guidelines Section 15303 because the project consists of an addition to an existing single family residence, primarily on the second floor of the structure.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the single family residential addition does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the single family residential addition is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Hermosa Way, a local road constructed to a level able to handle any additional traffic associated with the project.

**EXHIBIT B - CONDITIONS OF APPROVAL
DRC2004-00183 (McInerney)**

Approved Development

1. This approval authorizes
 - a. a 2,480 square foot addition to an existing 2,068 square foot residence. The proposal also includes a new 744 square foot garage and 910 square foot deck.
 - b. maximum height is 35 feet from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits**, submit a revised site plan to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. the proposed deck shall be moved back or reduced in size in order to provide a five foot separation from the deck to the existing septic and leach field (per UBC).
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

4. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project.

Services

5. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
6. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site. If the existing septic tank and leach field is to be enlarged or relocated, the new system shall be located a minimum of 150 feet from the bluff edge or provide evidence that the system will not cause daylighting of effluent in accordance with Planning Area standards for the edge of the Nipomo mesa. The applicant shall also verify the function of the septic tank located on the southern portion of the project site.

Conditions to be completed prior to issuance of a construction permit

Fees

7. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Drainage

8. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan for review and approval by the Public Works Department. This plan shall show drainage directed away from the edge of the Nipomo Mesa in accordance with standards set forth in Section 22.112.020 of the Land Use Ordinance.

Setbacks

9. **Prior to issuance of construction permits**, the applicant shall receive an adjustment for the proposed side setback from CDF in accordance with Section 22.54.020F.

Conditions during the construction of the project

10. In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:
- A. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - B. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

11. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
12. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

13. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
14. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.



SF

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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 3/7/05
FROM: PW

McINERNEY

FROM:
TG

South Co. Team
(Please direct response to the above)

DRC 2004-00183
Project Name and Number

Development Review Section (Phone: 788-2009)

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNERS)

PROJECT DESCRIPTION: MUP -> Addition to 2-story SFD.
Lot size -> 44,717.48 SF. APN: 075-171-006. Located
off Hermosa Vista Way, Arroyo Grande.

Return this letter with your comments attached no later than: 3/22/05

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?
✓ YES
NO

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?
✓ NO (Please go on to Part III)
YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

RECOMMEND Approval - No CONCERNS

22 MARCH 2005
Date

Goodwin
Name

5252
Phone

4



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 3/7/05
TO: City of A.G.
FROM: South Co. Team
(Please direct response to the above)

McINERNEY

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PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

X
YES
NO

RECEIVED

MAR 09 2005

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

X
NO
YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

CITY OF ARROYO GRANDE
COMMUNITY DEVELOPMENT

PART III

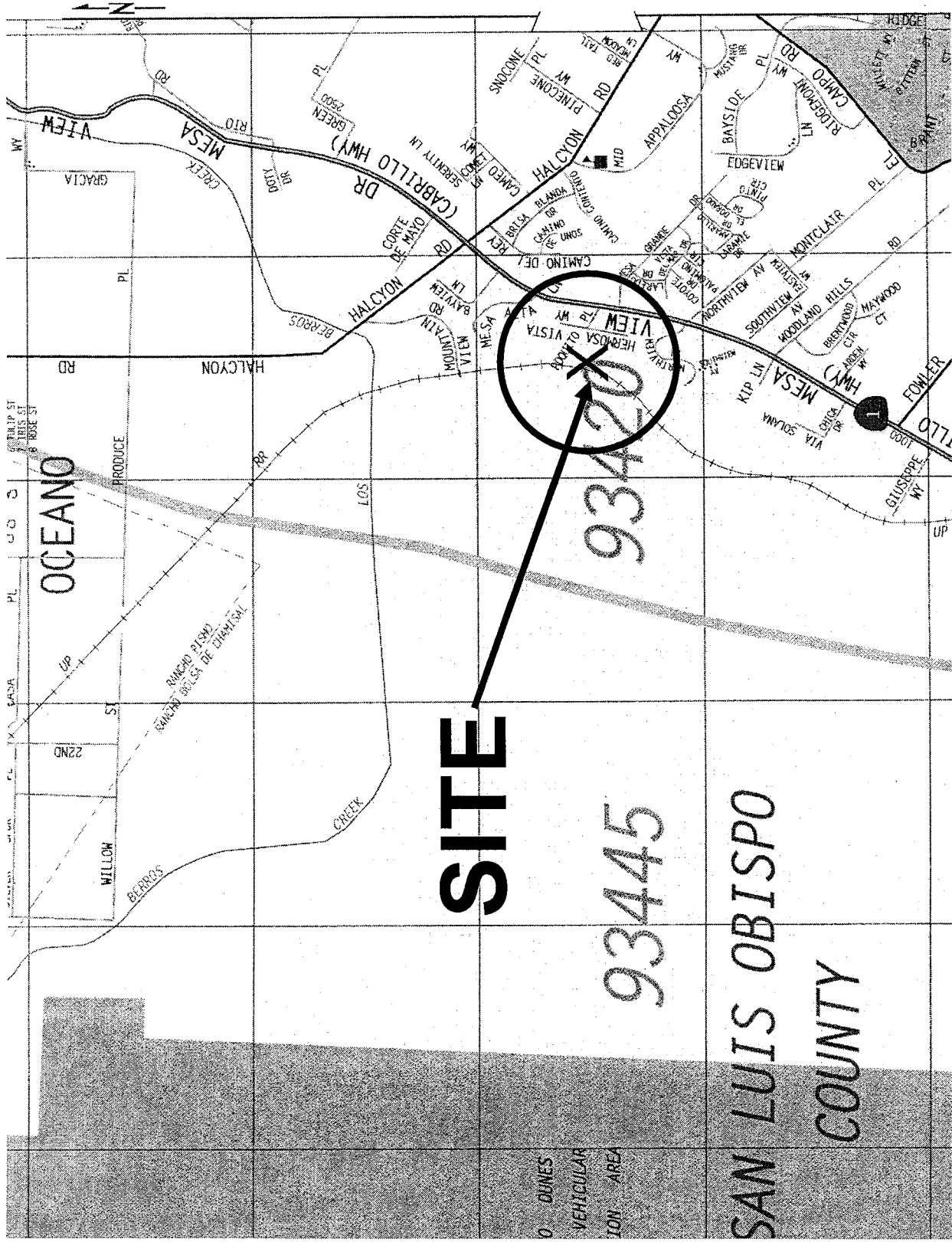
INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

No comment

March 18, 2005
Date

Rob Strong, Comm. Dir. Director
Name
City of Arroyo Grande

4735420
Phone



PROJECT

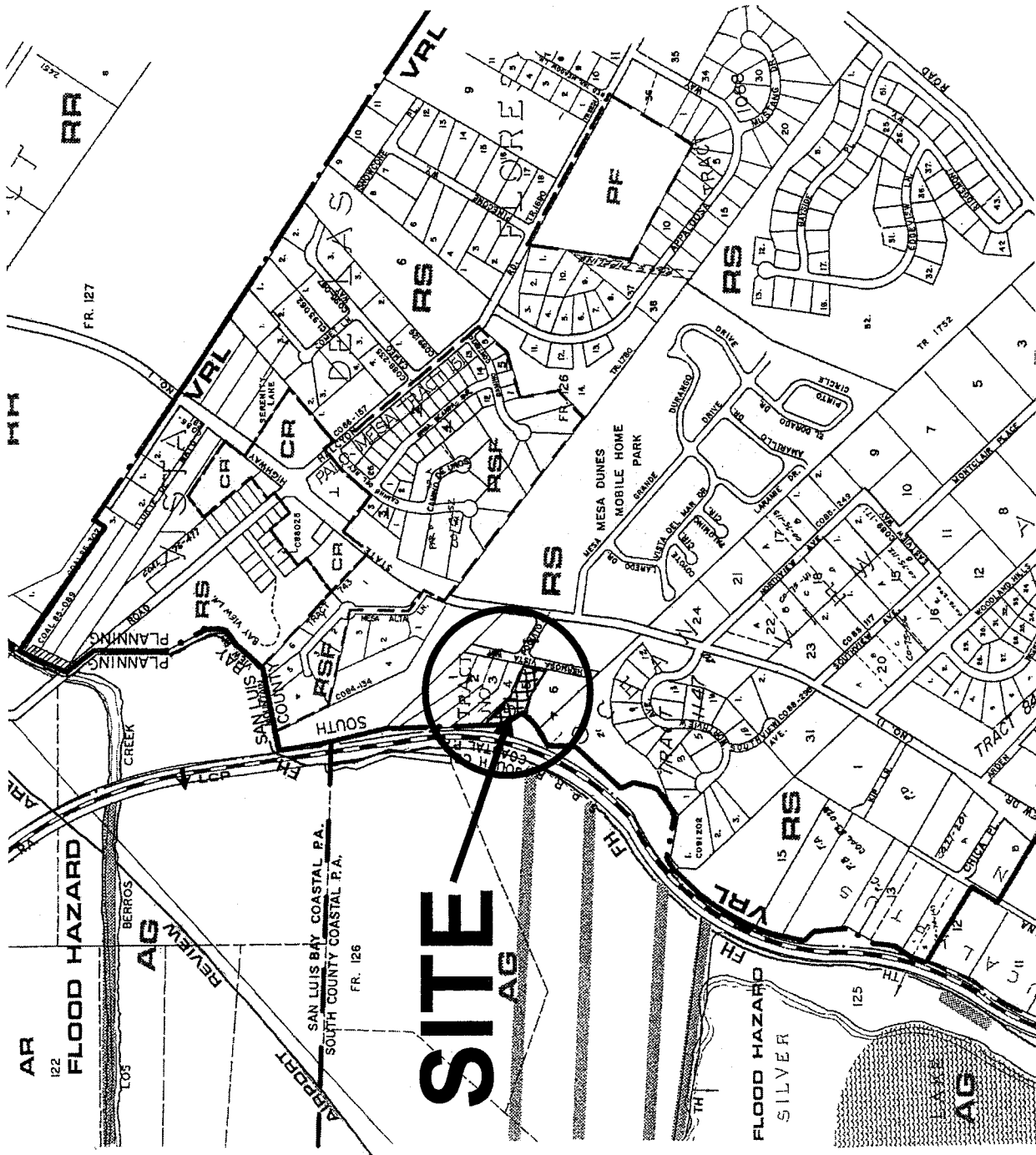
Minor Use Permit
McInerney DRC2004-00183

EXHIBIT

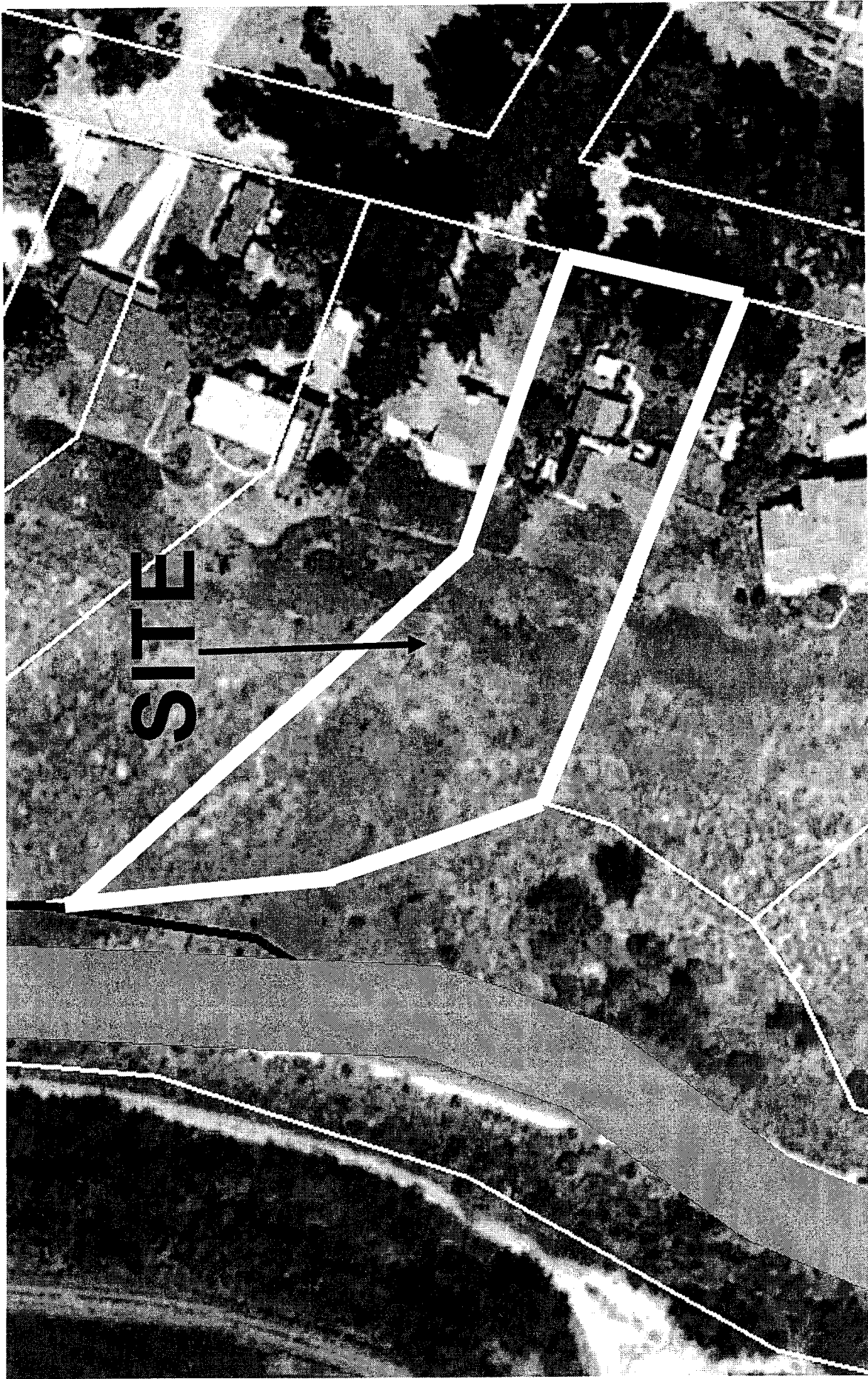
Vicinity Map



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



<p>PROJECT</p> <p>Minor Use Permit McInerney DRC2004-00183</p>	<p>EXHIBIT</p> <p>Land Use Category</p>
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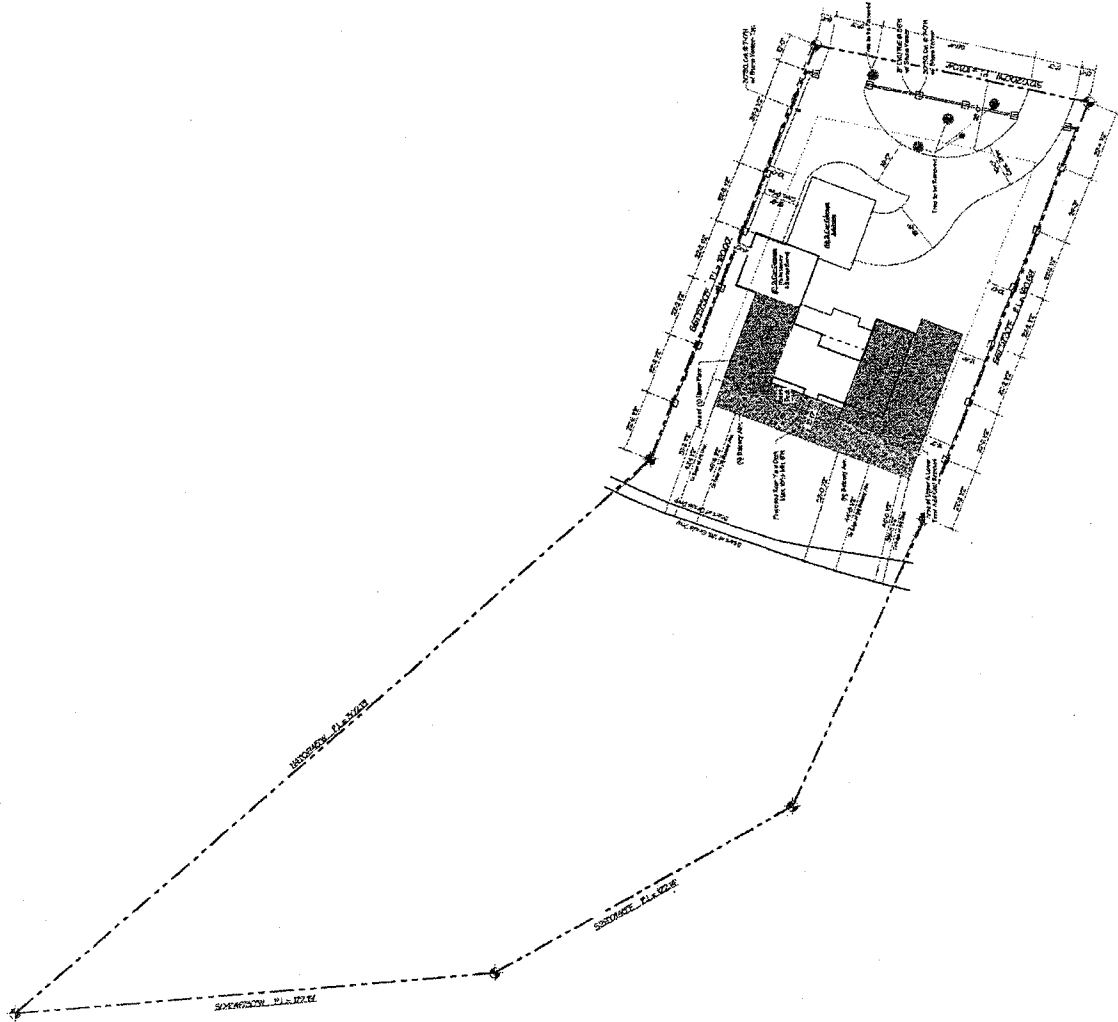
PROJECT

Minor Use Permit
McInerney DRC2004-00183



EXHIBIT

Aerial Photograph



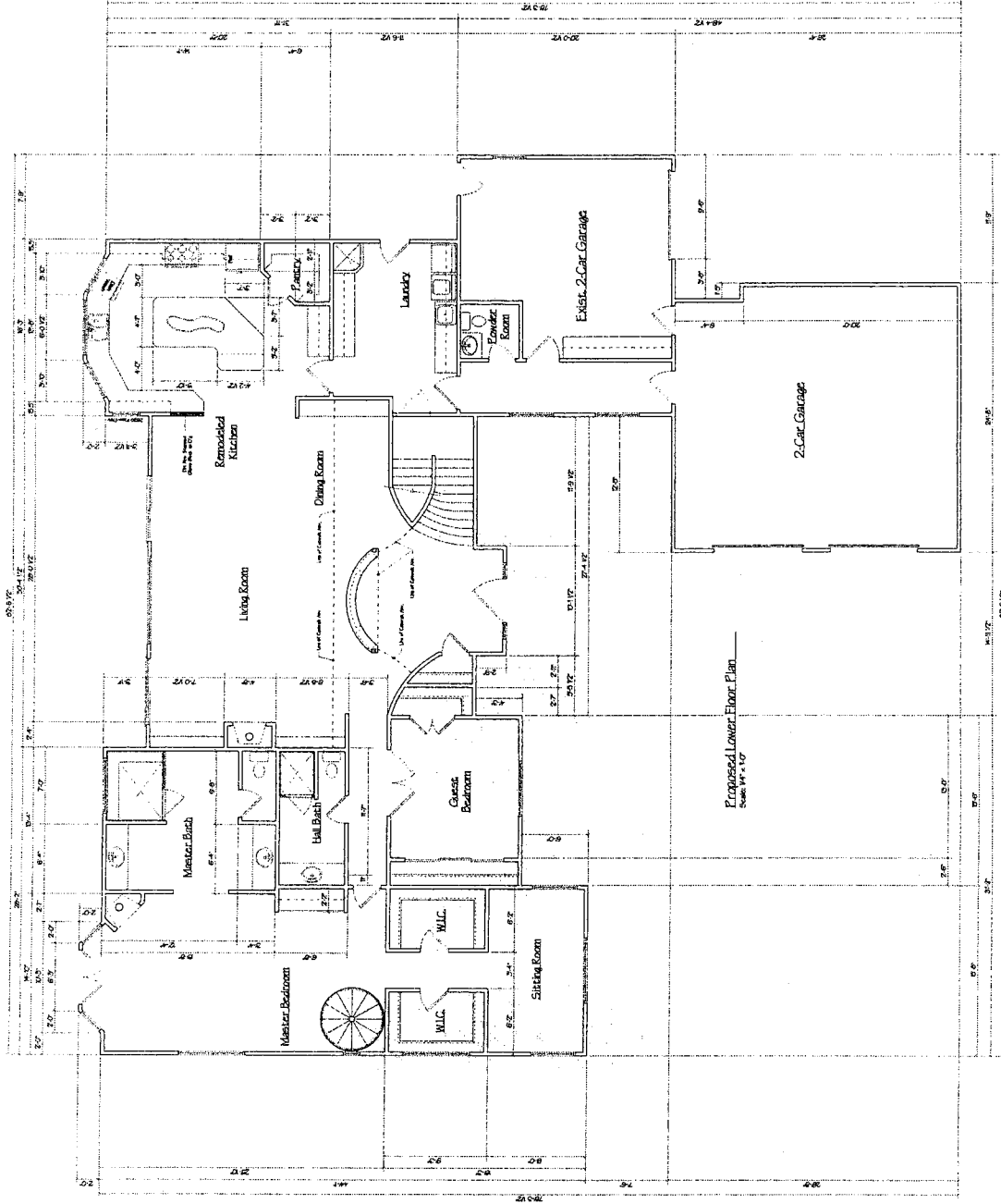
PROJECT

Minor Use Permit
McInerney DRC2004-00183

EXHIBIT

Site Plan





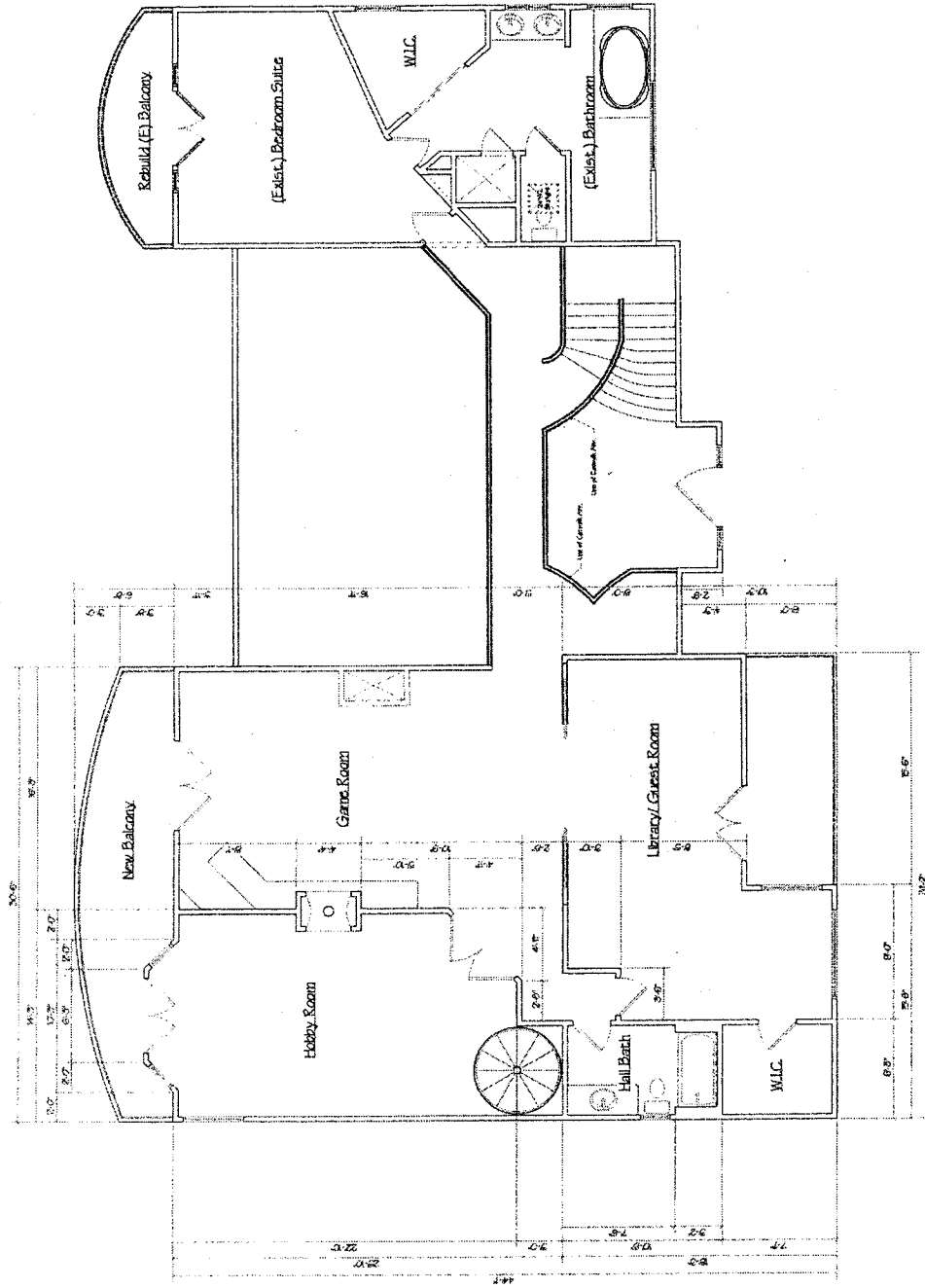
PROJECT

Minor Use Permit
McInerney DRC2004-00183



EXHIBIT

Proposed Lower Floor Plan



Proposed Upper Floor Plan
Scale: 1/4" = 1'-0"

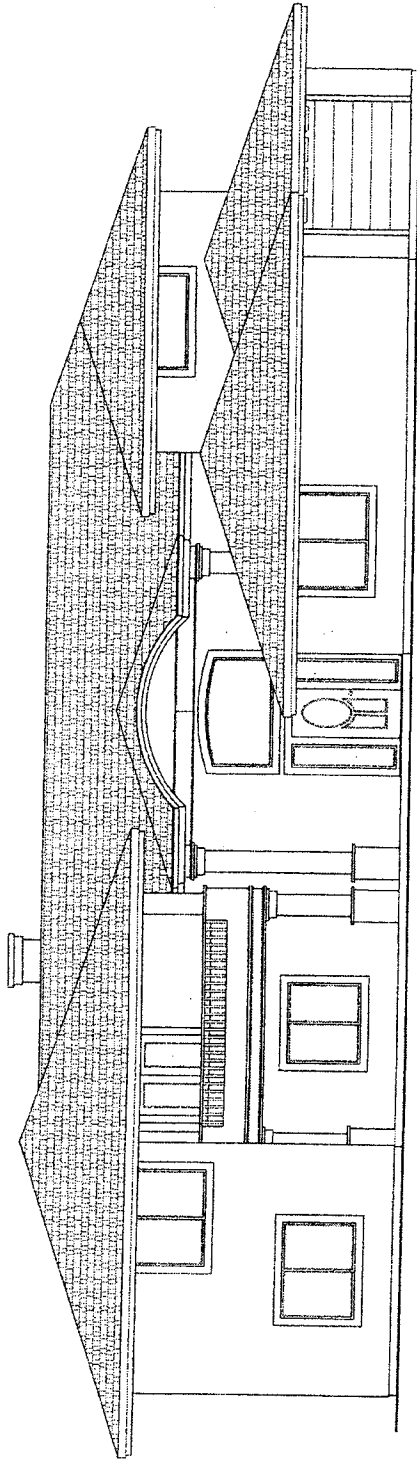


EXHIBIT

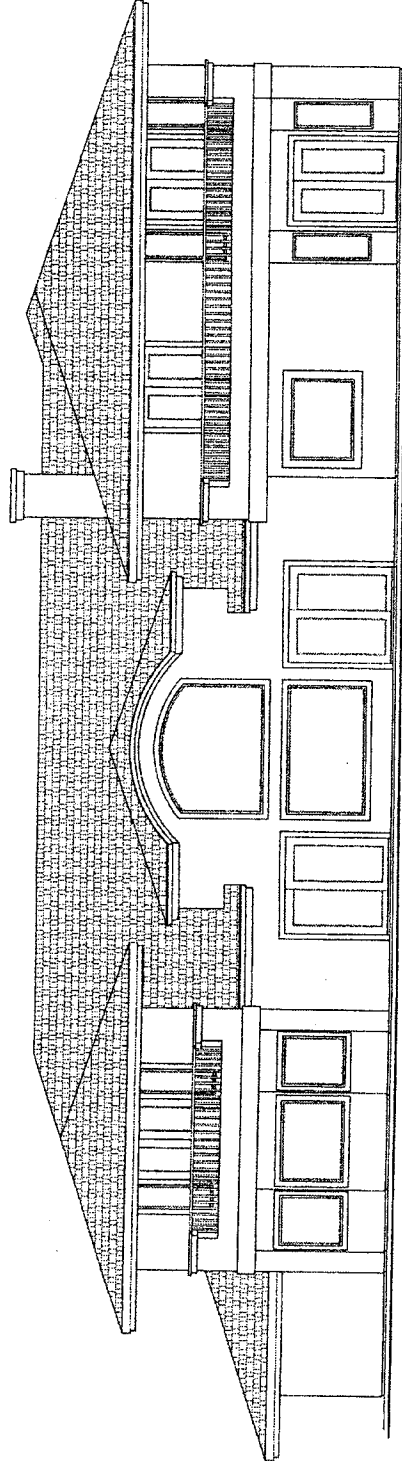
Proposed Upper Floor Plan

PROJECT

Minor Use Permit
McInerney DRC2004-00183



South East Elevation
Scale: 1/4" = 1'-0"



North West Elevation
Scale: 1/4" = 1'-0"

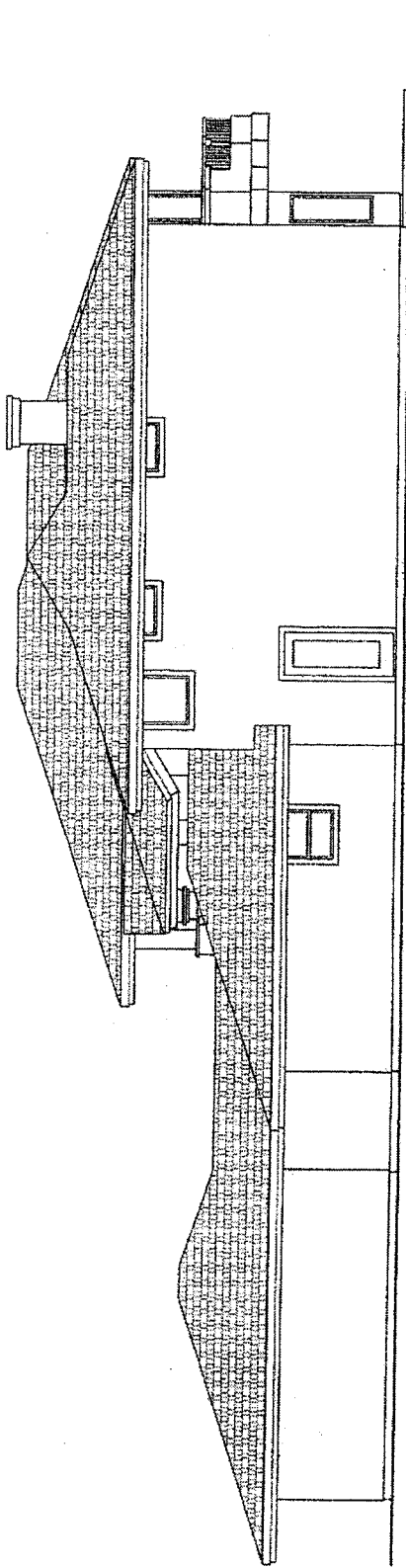
PROJECT

Minor Use Permit
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EXHIBIT

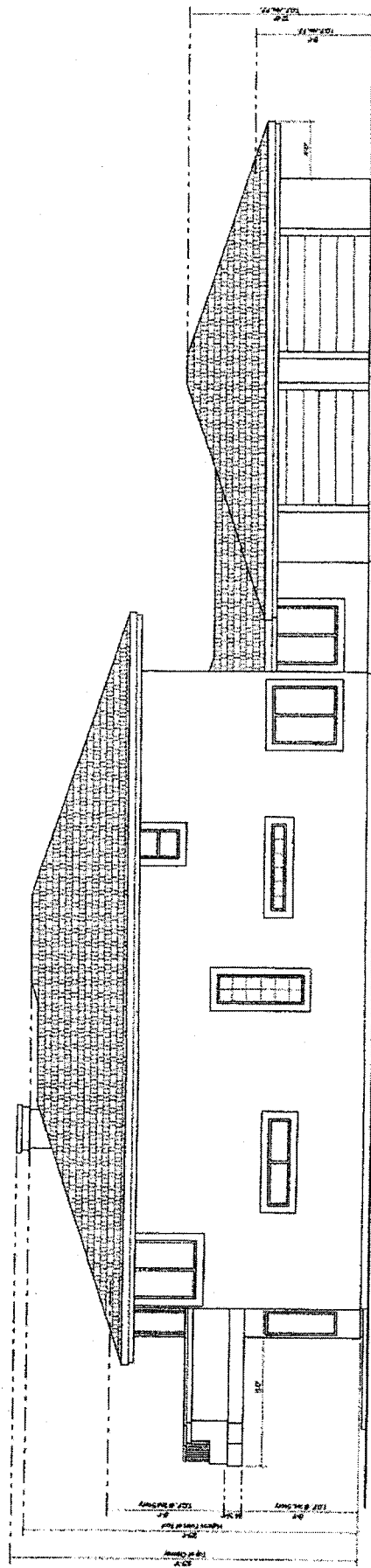
Elevations – NE & SW





North East Elevation

Scale: 1/4" = 1'-0"



South West Elevation

Scale: 1/4" = 1'-0"

PROJECT

Minor Use Permit
McInerney DRC2004-00183

EXHIBIT

Vicinity Map

